COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT
EMPLOYER WEBINAR SERIES

Private Plans
Part 1

Division of Family and Medical Leave Insurance
famli.colorado.gov
August 31, 2022

COLORADO
Department of
Labor and Employment

About FAMLI Webinar Series

Housekeeping:

- Copy of this presentation deck and video recording is available on **famli.colorado.gov**.

Previous webinars on our YouTube Channel

- Benefits and Employer Participation
- Calculating FAMLI Premiums
- FAMLI and Local Governments

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FAMLI Timeline

Q4 2022

Soft Launch of
My FAMLI+ Employer
(famli.colorado.gov)

January 1, 2023

Employers begin payroll deductions for FAMLI premiums

Q1 2023

Employers must complete registration in My FAMLI+ Employer

April 30, 2023

First quarterly premium payments and wage reports due (30-day grace period)

January 1, 2024

Covered workers can begin submitting requests for FAMLI leave

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Notable Changes in Adopted Benefits Rules:

- **Loco Parentis:**
  - When using FAMLI to "care for a new child," benefits are limited to individuals standing in **loco parentis** to the child.
- **Unforeseeable leave:**
  - When the need for leave is unforeseeable, claimants have up to **30 days after the leave has begun** to apply for FAMLI benefits.
- **Employer Grievances:**
  - Employers can file a grievance if it has a good-faith belief, supported by evidence, that FAMLI benefits were granted to a claimant beyond what the claimant is entitled.

The Rulemaking Process

- Proposed and adopted rules, public comments and recordings of public hearings are published at famli.colorado.gov/proposed/adopted-rules.
- To send us your comments on our proposed rules, email cdle_famli_rules@state.co.us or fill out this form.

Adopted Rules	Upcoming Rules
Benefits and Employer Participation Rules	**Private Plan Rules**
Premium Rules	Coordination of Benefits Rules
Local Government Rules	Amendments

Private Employers Are Not Exempt

The bottom line: Nearly every Colorado employer will be required to provide a robust paid family and medical leave program.

Private Plans

Private employers will need to demonstrate their private plan provides equal or greater benefits and protections than the FAMLI plan.

Self-Insured Private Plans

Employers using an equal or greater self insured plan will need to secure a surety bond to demonstrate the company's financial stability.

Local Government Opt-Out

Local Government employers can vote to opt out of FAMLI without providing an equal or greater plan.

Private Plan Guidance

Private Plan Rules Have Not Yet Been Adopted

- **Private plans must include:**
  - the same number of weeks of benefits
  - same level of wage replacement
  - include no additional requirements or conditions
  - deduct no more than the same amount from employee paychecks
  - cover all employees through the duration of their employment
- **Rulemaking around private plans is expected to take place in the coming weeks.**
  - All private employers will pay premiums starting January 1, 2023.
  - Refunds for any premiums paid in 2023 will be issued to employers with an approved private plans with an effective date on or before **January 1, 2024.**
  - Employers who apply for a private plan will be subject to an administration fee.

Frequently Asked Questions

Private Plans

Q: Does a private plan have to be overseen by an insurance company, or can the employer set up a plan and manage it in-house?

A: Employers can choose to work with a private insurance company to manage its private plan, or it can manage its own private plan in-house, which would be considered a self-insured private plan. Employers using a self-insured private plan will need to secure a surety bond.

Q: Can a private plan cover only specific employees, and the FAMLI plan cover the remaining employees?

A: No. If an employer chooses to use a private plan, the plan must cover all of its employees.

Q: If we submit our private plan approval after January 1, 2023, do we still need to contribute to the state plan until we get approved, or can we wait until we get approved for the private plan?

A: Unless your private plan gets approved by the Division before the first premium payments are due, employers will be obligated to pay premiums to the Division. If you get private plan approval after paying premiums to the Division, you will be able to apply for a refund.

We want to hear from you!

We want to build a FAMLI program that is fair and meets the needs of both employers and workers.

Please help us by:

- *Participating in our webinar series*
- *Sharing your ideas and concerns*

Your input is essential!

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Thank You!